

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **Senate Bill 125**

By Senators Rucker, Azinger, Chapman, Deeds,  
Maynard, Roberts, Smith, Karnes, Phillips, Tarr,  
Hamilton, Maroney, Woodrum, Hunt, and Taylor

[Introduced January 11, 2023; referred  
to the Committee on the Judiciary]

1 A BILL to amend and reenact §61-7-4 and §61-7-4a of the Code of West Virginia, 1931, as  
2 amended, all relating to disclosure of information relating to applicants for, or holders of,  
3 licenses and provisional licenses to carry a concealed deadly weapon; providing that  
4 information about applicants and licensees is personal, protected information; restricting  
5 access to correct or update information in the concealed carry license system to sheriffs;  
6 providing that other law-enforcement officers or authorities may only access the  
7 information in this system for a single-entry query of a subject of interest in an active  
8 criminal investigation or a subject arrested for a crime; and removing provisions for the  
9 State Police to maintain a registry of persons who have been issued a license to carry a  
10 concealed deadly weapon.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 7. DANGEROUS WEAPONS.**

### **§61-7-4. License to carry deadly weapons; how obtained.**

1 (a)(1) Except as provided in ~~§61-7-4(e) of this code~~ subsection (p) of this section, a legal  
2 resident or citizen of West Virginia desiring to obtain a state resident license to carry a concealed  
3 deadly weapon shall apply to the sheriff of his or her county for the license, and pay to the sheriff,  
4 at the time of application, a fee of \$50. A concealed weapons license may only be issued for pistols  
5 and revolvers.

6 (2) A legal resident or citizen of another state of the United States desiring to obtain a  
7 nonresident state license to carry a concealed deadly weapon shall apply to a sheriff of any county  
8 in this state for the license, and pay to the sheriff, at the time of application, a fee of \$100. A  
9 concealed weapons license may only be issued for pistols and revolvers.

10 (b) Each applicant for a state resident license or nonresident license to carry a concealed  
11 deadly weapon shall file with the sheriff a complete application, as prepared by the superintendent  
12 of the West Virginia State Police, in writing, duly verified, which sets forth only the following  
13 licensing requirements:

14 (1) The applicant's full name, date of birth, social security number, a description of the  
15 applicant's physical features, the applicant's place of birth, the applicant's country of citizenship,  
16 and, if the applicant is not a United States citizen, any alien or admission number issued by the  
17 United States Bureau of Immigration and Customs Enforcement, and any basis, if applicable, for  
18 an exception to the prohibitions of 18 U.S.C. §922(g)(5)(B);

19 (2) That, on the date the application is made, the applicant is a bona fide United States  
20 citizen or legal resident thereof and either a resident of this state and of the county in which the  
21 application is made or a resident of another state in the United States and has a valid driver's  
22 license or other state-issued or federally issued photo identification showing the residence;

23 (3) That the applicant is 21 years of age or older;

24 (4) That the applicant is not addicted to alcohol, a controlled substance, or a drug and is not  
25 an unlawful user thereof as evidenced by either of the following within the three years immediately  
26 prior to the application:

27 (A) Residential or court-ordered treatment for alcoholism or alcohol detoxification or drug  
28 treatment; or

29 (B) Two or more convictions for driving while under the influence or driving while impaired;

30 (5) That the applicant has not been convicted of a felony unless the conviction has been  
31 expunged or set aside, or the applicant's civil rights have been restored or the applicant has been  
32 unconditionally pardoned for the offense;

33 (6) That the applicant has not been convicted of a misdemeanor crime of violence other  
34 than an offense set forth in subdivision (7) of this subsection in the five years immediately  
35 preceding the application;

36 (7) That the applicant has not been convicted of a misdemeanor crime of domestic  
37 violence as defined in 18 U.S.C. §921(a)(33), or a misdemeanor offense of assault or battery  
38 either under §61-2-28 of this code or §61-2-9(b) or §61-2-9(c) of this code, in which the victim was  
39 a current or former spouse, current or former sexual or intimate partner, person with whom the

40 defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a  
41 member of the defendant's household at the time of the offense, or a misdemeanor offense with  
42 similar essential elements in a jurisdiction other than this state;

43 (8) That the applicant is not under indictment for a felony offense or is not currently serving  
44 a sentence of confinement, parole, probation, or other court-ordered supervision imposed by a  
45 court of any jurisdiction, is the subject of an emergency or temporary domestic violence protective  
46 order, or is the subject of a final domestic violence protective order entered by a court of any  
47 jurisdiction;

48 (9) That the applicant has not been adjudicated to be mentally incompetent or involuntarily  
49 committed to a mental institution. If the applicant has been adjudicated mentally incompetent or  
50 involuntarily committed, the applicant shall provide a court order reflecting that the applicant is no  
51 longer under such disability and the applicant's right to possess or receive a firearm has been  
52 restored;

53 (10) That the applicant is not prohibited under the provisions of §61-7-7 of this code or  
54 federal law, including 18 U.S.C. § 922(g) or (n), from receiving, possessing, or transporting a  
55 firearm;

56 (11) That the applicant has qualified under the minimum requirements set forth in  
57 subsection (e) of this section for handling and firing the weapon: *Provided*, That this requirement  
58 shall be waived in the case of a renewal applicant who has previously qualified; and

59 (12) That the applicant authorizes the sheriff of the county, or his or her designee, to  
60 conduct an investigation relative to the information contained in the application.

61 (c) For both initial and renewal applications, the sheriff shall conduct an investigation  
62 including a nationwide criminal background check consisting of inquiries of the National Instant  
63 Criminal Background Check System, the West Virginia criminal history record responses, and the  
64 National Interstate Identification Index, and shall review the information received in order to verify  
65 that the information required in subsection (b) of this section is true and correct. A license may not

66 be issued unless the issuing sheriff has verified through the National Instant Criminal Background  
67 Check System that the information available to him or her does not indicate that receipt or  
68 possession of a firearm by the applicant would be in violation of the provisions of §61-7-7 of this  
69 code or federal law, including 18 U.S.C. § 922(g) or (n).

70 (d)(1) Twenty-five dollars of the resident license application fee shall be deposited into the  
71 State Treasury and credited to the account of the State Police, and \$25 of the application fee and  
72 any fees for replacement of lost or stolen licenses received by the sheriff shall be deposited by the  
73 sheriff into a concealed weapons license administration fund. The fund shall be administered by  
74 the sheriff and shall take the form of an interest-bearing account with any interest earned to be  
75 compounded to the fund. Any funds deposited in this concealed weapon license administration  
76 fund are to be expended by the sheriff to pay the costs associated with issuing concealed  
77 weapons licenses. Any surplus in the fund on hand at the end of each fiscal year may be expended  
78 for other law-enforcement purposes or operating needs of the sheriff's office, as the sheriff  
79 considers appropriate.

80 (2) Fifteen dollars of the nonresident license application fee shall be deposited in the  
81 Courthouse Facilities Improvement Fund created by §29-26-6 of this code; \$25 of the application  
82 fee shall be deposited into the State Treasury and credited to the account of the State Police for  
83 the purchase of vehicles, equipment for vehicles, and maintenance of vehicles; and \$60 of the  
84 application fee shall be deposited in the concealed weapons license administration fund to be  
85 administered as provided in subsection (d) of this section.

86 (e) All persons applying for a license shall complete a training course in handling and firing  
87 a handgun, which includes the actual live firing of ammunition by the applicant. The successful  
88 completion of any of the following courses fulfills this training requirement: *Provided*, That the  
89 completed course includes the actual live firing of ammunition by the applicant:

90 (1) Any official National Rifle Association handgun safety or training course;

91 (2) Any handgun safety or training course or class available to the general public offered by

92 an official law-enforcement organization, community college, junior college, college, or private or  
93 public institution or organization, or handgun training school using instructors certified by the  
94 institution;

95 (3) Any handgun training or safety course or class conducted by a handgun instructor  
96 certified as such by the state or by the National Rifle Association;

97 (4) Any handgun training or safety course or class conducted by any branch of the United  
98 States military, reserve, or National Guard, or proof of other handgun qualification received while  
99 serving in any branch of the United States military, reserve, or National Guard.

100 A photocopy of a certificate of completion of any of the courses or classes or an affidavit  
101 from the instructor, school, club, organization, or group that conducted or taught the course or  
102 class attesting to the successful completion of the course or class by the applicant or a copy of any  
103 document which shows successful completion of the course or class is evidence of qualification  
104 under this section and shall include the instructor's name, signature, and NRA or state instructor  
105 identification number, if applicable.

106 (f) All concealed weapons license applications must be notarized by a notary public duly  
107 licensed under §39-4-1 *et seq.* of this code. Falsification of any portion of the application  
108 constitutes false swearing and is punishable under §61-5-2 of this code.

109 (g) The sheriff shall issue a license unless he or she determines that the application is  
110 incomplete, that it contains statements that are materially false or incorrect, or that applicant  
111 otherwise does not meet the requirements set forth in this section. The sheriff shall issue, reissue,  
112 or deny the license within 45 days after the application is filed if all required background checks  
113 authorized by this section are completed.

114 (h) A license in effect as of the effective date of the amendments to this section enacted  
115 during the 2019 regular session of the Legislature shall, subject to revocation for cause, be valid  
116 until the licensee's birthday during the fifth year from the date of issuance or five years from the  
117 date of issuance, whichever is later in time. Renewals of such licenses and licenses newly issued

118 after the effective date of the amendments to this section enacted during the 2019 regular session  
119 of the Legislature, subject to revocation for cause, are valid for a period of five years from the  
120 licensees' most recent birthday.

121 (i) Each license shall contain the full name and address of the licensee and a space upon  
122 which the signature of the licensee shall be signed with pen and ink. The issuing sheriff shall sign  
123 and attach his or her seal to all license cards. The sheriff shall provide to each new licensee a  
124 duplicate license card, in size similar to other state identification cards and licenses, suitable for  
125 carrying in a wallet, and the license card is considered a license for the purposes of this section. All  
126 duplicate license cards issued on or after July 1, 2017, shall be uniform across all 55 counties in  
127 size, appearance, and information and shall feature a photograph of the licensee.

128 (j) The superintendent of the West Virginia State Police, in cooperation with the West  
129 Virginia Sheriffs' Bureau of Professional Standards, shall prepare uniform applications for both  
130 resident and nonresident licenses and license cards showing that the license has been granted  
131 and shall do any other act required to be done to protect the state and see to the enforcement of  
132 this section.

133 (k) If an application is denied, the specific reasons for the denial shall be stated by the  
134 sheriff denying the application. Any person denied a license may file, in the circuit court of the  
135 county in which the application was made, a petition seeking review of the denial. The petition  
136 shall be filed within 30 days of the denial. The court shall then determine whether the applicant is  
137 entitled to the issuance of a license under the criteria set forth in this section. The applicant may be  
138 represented by counsel, but in no case is the court required to appoint counsel for an applicant.  
139 The final order of the court shall include the court's findings of fact and conclusions of law. If the  
140 final order upholds the denial, the applicant may file an appeal in accordance with the Rules of  
141 Appellate Procedure of the Supreme Court of Appeals. If the findings of fact and conclusions of  
142 law of the court fail to uphold the denial, the applicant may be entitled to reasonable costs and  
143 attorney's fees, payable by the sheriff's office which issued the denial.

144 (l) If a license is lost or destroyed, the person to whom the license was issued may obtain a  
145 duplicate or substitute license for a fee of \$5 by filing a notarized statement with the sheriff  
146 indicating that the license has been lost or destroyed.

147 (m) Whenever an applicant or licensee relocates from the address provided in his or her  
148 application to another address, he or she shall comply with the following notification requirements:

149 (1) Within 20 days of a resident licensee relocating from the address provided in his or her  
150 application to another county in the state, he or she shall provide written notification of the  
151 relocation to the sheriff of the county to which he or she moved and provide his or her new  
152 address. The sheriff shall then issue a new resident license bearing the licensee's new address  
153 and the original expiration date, for a fee not to exceed \$5. The license remains valid for the  
154 remainder of the original five-year term, unless the sheriff has determined that the person is no  
155 longer eligible for a concealed weapon license under the provisions of this article.

156 (2) Within 20 days of a resident licensee relocating from the address provided in his or her  
157 application to an address outside the state, he or she shall provide written notification to the sheriff  
158 of the issuing county of the relocation and provide his or her new address. The sheriff shall then  
159 issue a new nonresident license bearing the licensee's new address and the original expiration  
160 date, for a fee not to exceed \$5. The license remains valid for the remainder of the original five-  
161 year term unless the sheriff has determined that the person is no longer eligible for a concealed  
162 weapon license under the provisions of this article: *Provided*, That any renewal of the license in the  
163 new jurisdiction after expiration requires the payment of a nonresident license fee.

164 (3) Within 20 days of a nonresident licensee relocating from the address provided in his or  
165 her application to another address outside of the state, he or she shall provide written notification  
166 of the relocation to the sheriff of the issuing county and provide his or her new address. The sheriff  
167 shall then issue a new nonresident license bearing the licensee's new address and original  
168 expiration date, for a fee not to exceed \$5. This license remains valid for the remainder of the  
169 original five-year term, unless the sheriff has determined that the person is no longer eligible for a



170 concealed weapon license under the provisions of this article.

171 (4) Within 20 days of a nonresident licensee relocating to West Virginia from the address  
172 provided in his or her application, he or she shall provide written notification of the relocation to the  
173 sheriff of the county to which he or she has moved and provide his or her new address. The sheriff  
174 shall then issue a new resident license bearing the licensee's new address and the original  
175 expiration date, for a fee not to exceed \$5. This license remains valid for the remainder of the  
176 original five-year term, unless the sheriff has determined that the person is no longer eligible for a  
177 concealed weapon license under the provisions of this article.

178 ~~(n) The sheriff shall, immediately after the license is granted under this section furnish the~~  
179 ~~superintendent of the West Virginia State Police a certified copy of the approved application. The~~  
180 ~~sheriff shall furnish to the Superintendent of the West Virginia State Police at any time so~~  
181 ~~requested a certified list of all licenses issued in the county. The superintendent of the West~~  
182 ~~Virginia State Police shall maintain a registry of all persons who have been issued concealed~~  
183 ~~weapons licenses~~

184 ~~(o)~~ (n) The sheriff shall deny any application or revoke any existing license upon  
185 determination that any of the licensing application requirements established in this section have  
186 been violated by the licensee.

187 ~~(p)~~ (o) A person who is engaged in the receipt, review, or in the issuance or revocation of a  
188 concealed weapon license does not incur any civil liability as the result of the lawful performance  
189 of his or her duties under this article.

190 ~~(q)~~ (p) Notwithstanding subsection (a) of this section, with respect to application for a  
191 resident license by an honorably discharged veteran of the armed forces of the United States,  
192 reserve, or National Guard, or a former law-enforcement officer honorably retired from agencies  
193 governed by §7-14-1 *et seq.* of this code, §8-14-1 *et seq.* of this code, §15-2-1 *et seq.* of this code,  
194 and §20-7-1 *et seq.* of this code, an honorably retired officer or an honorably discharged veteran of  
195 the armed forces of the United States, reserve, or National Guard, is exempt from payment of fees

196 and costs as otherwise required by this section. All other application and background check  
197 requirements set forth in this section are applicable to these applicants.

198 (f) (q) Information collected under this section, including applications, supporting  
199 documents, permits, renewals, or any other information that would identify an applicant for, or  
200 holder of, a concealed weapon license, is ~~confidential~~ *Provided*, ~~That this information may be~~  
201 ~~disclosed to a law enforcement agency or officer: (i) To determine the validity of a license; (ii) to~~  
202 ~~assist in a criminal investigation or prosecution; or (iii) for other lawful law enforcement purposes~~  
203 confidential, protected information. Information retained in the concealed carry license system  
204 under this section shall not be distributed to any federal, state, or private entities and shall only be  
205 made available for a single-entry query of an individual in the event the individual is a subject of  
206 interest in an active criminal investigation or is arrested for a crime. A sheriff may access the  
207 concealed carry license system for administrative purposes to issue a license, verify the accuracy  
208 of license holder information, change the name or address of a license holder, suspend or revoke  
209 a license, cancel an expired license, or cancel a license upon receipt of a certified death certificate  
210 for the license holder. A person who violates this subsection is guilty of a misdemeanor and, upon  
211 conviction, shall be fined not less than \$50 or more than \$200 for each offense.

212 (s) (r) A person who pays fees for training or application pursuant to this article after the  
213 effective date of this section is entitled to a tax credit equal to the amount actually paid for training  
214 not to exceed \$50: *Provided*, That if such training was provided for free or for less than \$50, then  
215 such tax credit may be applied to the fees associated with the initial application.

216 (t) (s) Except as restricted or prohibited by the provisions of this article or as otherwise  
217 prohibited by law, the issuance of a concealed weapon license issued in accordance with the  
218 provisions of this section authorizes the holder of the license to carry a concealed pistol or revolver  
219 on the lands or waters of this state.

**§61-7-4a. Provisional license to carry deadly weapons; how obtained.**

1 (a) Any person who is at least 18 years of age and less than 21 years of age who desires to

2 obtain a state license to carry a concealed deadly weapon shall apply to the sheriff of his or her  
3 county for a provisional license, and pay to the sheriff, at the time of application, a fee of \$15.  
4 Provisional licenses may only be issued for pistols or revolvers. Each applicant shall file with the  
5 sheriff a complete application, as prepared by the superintendent of the West Virginia State Police,  
6 in writing, duly verified, which sets forth only the following licensing requirements:

7 (1) The applicant's full name, date of birth, Social Security number, a description of the  
8 applicant's physical features, the applicant's place of birth, the applicant's country of citizenship  
9 and, if the applicant is not a United States citizen, any alien or admission number issued by the  
10 United States Bureau of Immigration and Customs Enforcement, and any basis, if applicable, for  
11 an exception to the prohibitions of 18 U.S.C. §922(g)(5)(B);

12 (2) That, on the date the application is made, the applicant is a bona fide resident of this  
13 state and of the county in which the application is made and has a valid driver's license or other  
14 state-issued photo identification showing the residence;

15 (3) That the applicant is at least 18 years of age and less than 21 years of age;

16 (4) That the applicant is not addicted to alcohol, a controlled substance or a drug and is not  
17 an unlawful user thereof as evidenced by either of the following within the three years immediately  
18 prior to the application:

19 (A) Residential or court-ordered treatment for alcoholism or alcohol detoxification or drug  
20 treatment; or

21 (B) Two or more convictions for driving while under the influence or driving while impaired;

22 (5) That the applicant has not been convicted of a felony unless the conviction has been  
23 expunged or set aside, or the applicant's civil rights have been restored or the applicant has been  
24 unconditionally pardoned for the offense;

25 (6) That the applicant has not been convicted of a misdemeanor crime of violence other  
26 than an offense set forth in subdivision (7) of this section within five years immediately preceding  
27 the application;

28           (7) That the applicant has not been convicted of a misdemeanor crime of domestic  
29 violence as defined in 18 U.S.C. §921(a)(33), or a misdemeanor offense of assault or battery  
30 under either §61-2-28 of this code or §61-2-9, subsections (b) or (c), of this code in which the  
31 victim was a current or former spouse, current or former sexual or intimate partner, person with  
32 whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward  
33 or a member of the defendant's household at the time of the offense, or a misdemeanor offense  
34 with similar essential elements in a jurisdiction other than this state;

35           (8) That the applicant is not under indictment for a felony offense or is not currently serving  
36 a sentence of confinement, parole, probation or other court-ordered supervision imposed by a  
37 court of any jurisdiction, or is the subject of an emergency or temporary domestic violence  
38 protective order or is the subject of a final domestic violence protective order entered by a court of  
39 any jurisdiction;

40           (9) That the applicant has not been adjudicated to be mentally incompetent or involuntarily  
41 committed to a mental institution. If the applicant has been adjudicated mentally incompetent or  
42 involuntarily committed, the applicant must provide a court order reflecting that the applicant is no  
43 longer under such disability and the applicant's right to possess or receive a firearm has been  
44 restored;

45           (10) That the applicant is not prohibited under §61-7-7 of this code, or federal law, including  
46 18 U.S.C. §922(g) or (n), from receiving, possessing or transporting a firearm;

47           (11) That the applicant has qualified under the minimum requirements set forth in  
48 subsection (d) of this section for handling and firing the weapon;

49           (12) That the applicant authorizes the sheriff of the county, or his or her designee, to  
50 conduct an investigation relative to the information contained in the application.

51           (b) For provisional license applications, the sheriff shall conduct an investigation including  
52 a nationwide criminal background check consisting of inquiries of the National Instant Criminal  
53 Background Check System, the West Virginia criminal history record responses and the National

54 Interstate Identification Index, and shall review the information received in order to verify that the  
55 information required in subsection (a) of this section is true and correct. A provisional license may  
56 not be issued unless the issuing sheriff has verified through the National Instant Criminal  
57 Background Check System that the information available does not indicate that receipt of or  
58 possession of a firearm by the applicant would be in violation of the provisions of §61-7-7 of this  
59 code, or federal law, including 18 U.S.C. §922(g) or (n).

60 (c) Fifteen dollars of the application fee and any fees for replacement of lost or stolen  
61 provisional licenses received by the sheriff shall be deposited by the sheriff into a concealed  
62 weapons license administration fund. The fund shall be administered by the sheriff and shall take  
63 the form of an interest-bearing account with any interest earned to be compounded to the fund.  
64 Any funds deposited in said fund are to be expended by the sheriff to pay the costs associated with  
65 issuing concealed weapons provisional licenses. Any surplus in the fund on hand at the end of  
66 each fiscal year may be expended for other law-enforcement purposes or operating needs of the  
67 sheriff's office, as the sheriff considers appropriate.

68 (d) All persons applying for a provisional license must complete a training course in  
69 handling and firing a handgun, which includes the actual live firing of ammunition by the applicant.  
70 The successful completion of any of the following courses fulfills this training requirement:  
71 *Provided*, That the completed course included the actual live firing of ammunition by the applicant:

72 (1) Any official National Rifle Association handgun safety or training course;

73 (2) Any handgun safety or training course or class available to the general public offered by  
74 an official law-enforcement organization, community college, junior college, college, or private or  
75 public institution, or organization or handgun training school utilizing instructors certified by the  
76 institution;

77 (3) Any handgun training or safety course or class conducted by a handgun instructor  
78 certified as such by the state or by the National Rifle Association;

79 (4) Any proof of current or former service in the United States armed forces, armed forces

80 reserves or National Guard.

81 A photocopy of a certificate of completion of any of the courses or classes or an affidavit  
82 from the instructor, school, club, organization or group that conducted or taught the course or class  
83 attesting to the successful completion of the course or class by the applicant, or a copy of any  
84 document which shows successful completion of the course or class, is evidence of qualification  
85 under this section. Certificates, affidavits or other documents submitted to show completion of a  
86 course or class shall include instructor information and proof of instructor certification, including, if  
87 applicable, the instructor's NRA instructor certification number.

88 (e) All provisional license applications must be notarized by a notary public duly licensed  
89 under §29-4-1 *et seq.* of this code. Falsification of any portion of the application constitutes false  
90 swearing and is punishable under §61-5-2 of this code.

91 (f) The sheriff shall issue a provisional license unless the sheriff determines that the  
92 application is incomplete, that it contains statements that are materially false or incorrect or that  
93 applicant otherwise does not meet the requirements set forth in this section. The sheriff shall  
94 issue, reissue or deny the license within 45 days after the application is filed once all required  
95 background checks authorized by this section are completed.

96 (g) Before any approved license is issued or is effective, the applicant shall pay to the  
97 sheriff a fee in the amount of \$15 which the sheriff shall forward to the superintendent of the West  
98 Virginia State Police within 30 days of receipt. The provisional license is valid until the licensee  
99 turns 21 years of age, unless sooner revoked.

100 (h) Each provisional license shall contain the full name and address of the licensee and a  
101 space upon which the signature of the licensee shall be signed with pen and ink. The issuing  
102 sheriff shall sign and attach his or her seal to all provisional license cards. The sheriff shall provide  
103 to each new licensee a duplicate license card, in size similar to other state identification cards and  
104 licenses, suitable for carrying in a wallet, and the license card is considered a license for the  
105 purposes of this section. Duplicate license cards issued shall be uniform across all 55 counties in

106 size, appearance and information and must feature a photograph of the licensee. The provisional  
107 license shall be readily distinguishable from a license issued pursuant to section four of this article  
108 and shall state: "NOT NICS EXEMPT. This license confers the same rights and privileges to carry  
109 a concealed pistol or revolver on the lands or waters of this state as a license issued pursuant to  
110 §61-7-4 of this code, except that this license does not satisfy the requirements of 18 U.S.C.  
111 §922(t)(3). A NICS check must be performed prior to purchase of a firearm from a federally  
112 licensed firearm dealer."

113 (i) The superintendent of the West Virginia State Police, in coordination with the West  
114 Virginia Sheriffs' Bureau of Professional Standards, shall prepare uniform applications for  
115 provisional licenses and license cards showing that the license has been granted and shall  
116 perform any other act required to protect the state and to enforce this section.

117 (j) If an application is denied, the specific reasons for the denial shall be stated by the  
118 sheriff denying the application. Any person denied a provisional license may file, in the circuit court  
119 of the county in which the application was made, a petition seeking review of the denial. The  
120 petition shall be filed within thirty days of the denial. The court shall then determine whether the  
121 applicant is entitled to the issuance of a provisional license under the criteria set forth in this  
122 section. The applicant may be represented by counsel, but in no case is the court required to  
123 appoint counsel for an applicant. The final order of the court shall include the court's findings of  
124 fact and conclusions of law. If the final order upholds the denial, the applicant may file an appeal in  
125 accordance with the Rules of Appellate Procedure of the Supreme Court of Appeals. If the findings  
126 of fact and conclusions of law of the court fail to uphold the denial, the applicant may be entitled to  
127 reasonable costs and attorney's fees, payable by the sheriff's office which issued the denial.

128 (k) If a provisional license is lost or destroyed, the person to whom the license was issued  
129 may obtain a duplicate or substitute license for a fee of \$5 by filing a notarized statement with the  
130 sheriff indicating that the license has been lost or destroyed.

131 (l) Whenever any person after applying for and receiving a provisional concealed weapon

132 license moves from the address named in the application to another county within the state, the  
133 license remains valid until the licensee turns 21 years of age unless the sheriff of the new county  
134 has determined that the person is no longer eligible for a provisional concealed weapon license  
135 under this article, and the sheriff shall issue a new provisional license bearing the person's new  
136 address and the original expiration date for a fee not to exceed \$5: *Provided*, That the licensee  
137 within 20 days thereafter notifies the sheriff in the new county of residence in writing of the old and  
138 new addresses.

139 ~~(m) The sheriff shall, immediately after the provisional license is granted, furnish the~~  
140 ~~superintendent of the West Virginia State Police a certified copy of the approved application. The~~  
141 ~~sheriff shall furnish to the superintendent of the West Virginia State Police, at any time so~~  
142 ~~requested, a certified list of all provisional licenses issued in the county. The superintendent of the~~  
143 ~~West Virginia State Police shall maintain a registry of all persons who have been issued~~  
144 ~~provisional concealed weapon licenses~~

145 ~~(n) (m)~~ The sheriff shall deny any application or revoke any existing provisional license  
146 upon determination that any of the licensing application requirements established in this section  
147 have been violated by the licensee.

148 ~~(o) (n)~~ A person who is engaged in the receipt, review or in the issuance or revocation of a  
149 concealed weapon provisional license does not incur any civil liability as the result of the lawful  
150 performance of his or her duties under this article.

151 ~~(p) (o)~~ Information collected under this section, including applications, supporting  
152 documents, permits, renewals, or any other information that would identify an applicant for or  
153 holder of a concealed weapon provisional license, is ~~confidential~~: *Provided*, That this information  
154 may be disclosed to a law enforcement agency or officer: (i) To determine the validity of a  
155 provisional license; (ii) to assist in a criminal investigation or prosecution; or (iii) for other lawful  
156 law enforcement purposes confidential, protected information. Information retained in the  
157 concealed carry license system under this section shall not be distributed to any federal, state, or



158 private entities and shall only be made available for a single-entry query of an individual in the  
159 event the individual is a subject of interest in an active criminal investigation or is arrested for a  
160 crime. A sheriff may access the concealed carry license system for administrative purposes to  
161 issue a license, verify the accuracy of license holder information, change the name or address of a  
162 license holder, suspend or revoke a license, cancel an expired license, or cancel a license upon  
163 receipt of a certified death certificate for the license holder. A person who violates this subsection  
164 is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 or more  
165 than \$200 for each offense.

166       ~~(q)~~ (p) Except as restricted or prohibited by the provisions of this article or as otherwise  
167 prohibited by law, the issuance of a provisional concealed weapon license issued in accordance  
168 with the provisions of this section authorizes the holder of the license to carry a concealed pistol or  
169 revolver on the lands or waters of this state.

NOTE: The purpose of this bill is to safeguard the personal information of people who apply for, hold, or are issued a license or provisional license to carry a concealed deadly weapon.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.